

Notice of Public Hearing

LSA Document #14-453

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on March 16, 2015, at 5:30 p.m., at Spring Mill State Park Inn, 3333 State Road 60 East, Lakeview Room, Mitchell, Indiana; **AND** March 17, 2015, at 3:30 p.m., Fort Harrison State Park, Garrison Conference Center, Ballroom, 6002 North Post Road, Indianapolis, Indiana; **AND** March 25, 2015, at 5:30 p.m., DNR Northeast Regional Office, 1353 South Governor's Drive, Columbia City, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 9-1-5.3](#) governing the definition of "crossbow"; [312 IAC 9-1-12](#) to correct the definition of "possession" of wild animals; [312 IAC 9-2-4](#) governing the setting of traps or nets to take a wild animal; [312 IAC 9-3-2](#) governing general requirements and licenses for deer hunting; [312 IAC 9-3-3](#) governing equipment authorized for deer hunting; [312 IAC 9-3-4](#) governing season dates and bag limits for deer hunting; [312 IAC 9-3-9](#) governing the disposition of wild animals found dead; [312 IAC 9-3-12](#) governing the taking of coyotes; [312 IAC 9-3-15](#) governing the taking of nuisance wild animals on private property by or with the written permission of the resident landowner or tenant; [312 IAC 9-3-16](#) governing the hunting of cottontail rabbits on a department property; [312 IAC 9-3-18.6](#) governing wild pigs; [312 IAC 9-4-8](#) governing the hunting of ring-necked pheasants; [312 IAC 9-4-9](#) governing the hunting of bobwhite quail; [312 IAC 9-4-10](#) to close the season for ruffed grouse; [312 IAC 9-4-11](#) governing hunting wild turkeys; [312 IAC 9-5-6](#) governing the collection and possession of reptiles and amphibians; [312 IAC 9-5-7](#) governing the sale and transport for sale of reptiles and amphibians native to Indiana; [312 IAC 9-6-1](#) governing definitions pertaining to fish and fishing activities; [312 IAC 9-6-7](#) governing exotic fish; [312 IAC 9-6-9](#) governing endangered species of fish; [312 IAC 9-7-1](#) governing license requirements for sport fishing; [312 IAC 9-7-2](#) governing sport fishing methods, except on the Ohio River; [312 IAC 9-7-4](#) governing the taking of muskellunge and tiger muskellunge; [312 IAC 9-7-6](#) governing the taking of black bass; [312 IAC 9-7-9](#) governing the taking of crappie; [312 IAC 9-7-10](#) governing the taking of sunfish; [312 IAC 9-7-12](#) governing the taking of walleye, sauger, and saugeye; [312 IAC 9-7-14](#) governing fish with no bag limit, possession limit, or size limit; [312 IAC 9-8-4](#) governing commercial fishing on the Wabash River boundary waters; [312 IAC 9-8-5](#) governing commercial fishing on inland water; and [312 IAC 9-12-4](#) governing notations on hunting license. Repeals [312 IAC 9-1-9](#) defining "hunter orange"; [312 IAC 9-2-1](#) governing taking, chasing, and possessing wild animals; [312 IAC 9-2-5](#) prohibiting the netting and trapping of wild birds; and [312 IAC 9-5-10](#) governing the possession and captive breeding of reptiles acquired before January 1, 1999.

[IC 4-22-2-24](#)(d)(3) Justification Statement: The Department of Natural Resources (DNR) is proposing amendments to the rules that govern fish and wildlife in [312 IAC 9](#).

The changes to the following rules do not impose costs or requirements on regulated entities: [312 IAC 9-1-5.3](#), [312 IAC 9-1-12](#), [312 IAC 9-3-12](#), [312 IAC 9-6-9](#), and [312 IAC 9-12-4](#).

The following rules have requirements and/or costs for regulated entities as follows:

[312 IAC 9-2-4](#): Combines language from [312 IAC 9-2-4](#) and [312 IAC 9-2-5](#) governing the restrictions on the placement of traps to clarify requirements. The new language in [312 IAC 9-2-4](#) was in [312 IAC 9-2-5](#), but the two rules are being combined into one and duplicate language repealed ([312 IAC 9-2-5](#)). This makes the rule simpler and easier to understand.

[312 IAC 9-3-2](#): Changes the urban deer zone license to a deer reduction zone license to be consistent with proposed language changes in [312 IAC 9-3-4](#) and requires check station operators to check in deer using the DNR's electronic harvest reporting system.

Changes to the licensing system for hunting and fishing licenses are in the process, and retailers will be able to check in deer for hunters through a system similar to the current electronic licensing system. This will eliminate the need for the DNR to have check station materials printed and distributed and save time entering information from handwritten log sheets to a database. The cost for changes to the licensing system to add in the ability for retailers to check in deer is approximately \$1,000 (5 hours x \$200/hr.), and this will be a one-time cost. The cost for check station materials, tags, and shipping costs for check station log sheets is approximately \$21,400/year for both deer and turkey ([312 IAC 9-4-11](#)) check stations. Therefore, this will result in a cost savings of \$20,400 annually for the DNR.

[312 IAC 9-3-3](#): Makes the following changes governing deer hunting equipment:

- Allows the 28-gauge shotgun to be used during the firearms seasons and the special antlerless season. Twenty-eight gauge deer slug ammunition is now available and allowing these firearms will provide deer hunters another choice of firearm with which to hunt deer.
- Clarifies that handguns currently legal to use during the firearms season are legal even if originally designed and registered as a rifle. This would clarify that a rifle that can be changed to be used as a handgun can be used during deer firearms season as long as it meets requirements for legal handguns. This could eliminate

the need for a person to purchase another firearm for deer hunting and removes an unnecessary restriction.

- Allows additional rifles to be used by reducing the bullet size required to .243 and eliminating the maximum rifle cartridge case length. This will allow high-powered rifles such as the .30-30 and .45-70 during the deer firearms seasons. Full metal jacketed bullets would be unlawful because they do not expand when fired and, therefore, do not kill as humanely. By allowing these additional cartridges, high-powered rifles will be legal during the deer firearms seasons. The DNR believes this change can be made at this time for the following reasons:

- There are currently no limits on rifles that are legal to use for species other than migratory birds, deer, and wild turkey.
- Muzzleloaders have evolved to the point that with smokeless powder (which is legal to use), they are essentially high-powered rifles (accurate 500 yard gun).
- They are legal in several nearby states, including Kentucky, Michigan (the northern part of the state), and Pennsylvania.
- There has not been an increase in hunting-related accidents as the result of the use of rifles, both in Indiana and in several other states where they are allowed.
- There isn't a need to limit the equipment that can be used to take deer in order to manage the deer herd. The deer harvest was a record in 2012, and the DNR is managing the deer herd through other means.
- Rifle cartridges that fire a bullet at least .243 in diameter and have a minimum case length of 1.16 inches long can safely and humanely kill white-tailed deer.
- Allows firearms to be used during the deer reduction (formerly urban deer zone) season, where legal to discharge a firearm (in compliance with local ordinances), from the first Saturday after November 11 through January 31 of the following year. Use of firearms in deer reduction zones would give communities greater flexibility to manage deer-related problems and should improve deer harvest success rates. These changes should not have much of an effect on license sales and will not have any additional costs for the DNR.
- Changes the dates for placing tree or ground blinds on state and federal properties to noon on September 15 through January 10. This is needed on state properties when other hunting seasons are open to reduce conflicts with other hunters from September 1 through 15. Thousands of hunters use these properties to hunt squirrels, doves, geese, and teal between September 1 and 15. Individuals walking into the woods on DNR properties to put up blinds have resulted in conflicts with those hunting at the same time. Individuals placing these blinds in the dark have caught many individuals off-guard and in unsafe situations.
- Allows those who place tree stands or ground blinds on state and federal properties to identify them with their Indiana DNR-issued customer ID number or name and address, instead of requiring only their name and address. This ID number is pretty short and would add a degree of privacy to hunters without interfering with law enforcement validation of the users.

There will be no additional cost to the DNR as the result of these changes, and revenue from the sale of deer hunting licenses (for deer reduction zones) may increase slightly.

[312 IAC 9-3-4](#): Makes the following changes to the deer season dates and bag limits:

- Allows a youth hunter to take one antlerless deer in an "A" county (such as Tipton County) during the special youth deer season. This would allow youth hunters additional opportunities in those counties and should have little effect on an "A" county's deer population. This should not affect the sale of youth hunting licenses since youth hunters have already been able to hunt in these counties during the special youth deer season; they have just not been able to take a buck. There are typically only one or two counties designated as "A" counties each year. The resident youth hunting license allows multiple deer to be taken with just that one license, so this change will not impact license sales.
- Allows the adult who accompanies a youth hunter to carry a handgun in accordance with state law. This change is required to comply with state law ([IC 35-47-2](#)), which allows an individual to carry a handgun while hunting lawfully.
- Renames urban deer zones to reduction zones, modifies the boundaries by allowing them to be set annually in a temporary rule, and increases the bag limit in these zones. Adding or removing deer reduction zones on an annual basis would give the DNR more flexibility to address deer density conflicts and to respond to disease threats. The DNR is attempting to be proactive in addressing problems associated with high deer densities and potential disease issues that might arise in the future. Deer densities are increasing in a number of communities that don't necessarily meet the typical definition of an urban landscape. In addition, the DNR cannot predict where a serious deer issue will occur. By removing the words "urban deer zone" and changing it to a "deer reduction zone", allowing firearms to be used (where allowed by local ordinance), and increasing the number of deer that can be taken in these zones, communities will have greater flexibility to address deer densities in areas that cannot support large numbers of hunters. By determining these deer reduction zones on an annual basis, the DNR feels that zones can be adjusted annually to focus deer harvest in a more targeted and focused manner.

[312 IAC 9-3-9](#): Allows additional species of wild animals to be kept for personal use if found dead or if they die following a collision with a motor vehicle. A permit is required by the DNR, but these species would be allowed

to be kept for personal use (such as for their meat) if found dead, as long as they have a permit issued by the DNR. Currently, only white-tailed deer that are found dead can be kept for personal use; other mammals and turkeys that are found dead (such as hit by a vehicle) can only be kept under a special purpose salvage permit ([312 IAC 9-10-13.5](#)) and only if qualified, such as employed by an educational or scientific institution. This has been requested by the public and eliminates an unnecessary restriction. There will be no additional costs or revenue for the DNR with these changes. DNR staff already issue permits for deer found dead, and the permits are free of charge.

[312 IAC 9-3-15](#): Makes several changes governing the following species of wild animals that are causing damage or causing a health or safety threat: raccoons, skunks, opossums, beavers, muskrats, red foxes, gray foxes, mink, long-tailed weasels, gray squirrels, and fox squirrels:

- Allows resident landowners and tenants to designate another person (such as a relative, friend, neighbor, or employee) in writing to take these animals for them outside the season and without a permit as long as there is no compensation of any kind. This would allow landowners and tenants to have others (i.e., friends, neighbors, relatives) assist in the removal of the animal and not require the person to have a permit when doing so without compensation. Thousands of wild animals are a nuisance each year. They need to be dealt with as quickly as possible without delays from having to get a permit. This will also reduce some administrative costs for DNR by eliminating the time and paperwork necessary for DNR to issue a nuisance wild animal control permit to take one of these animals by a person other than a resident landowner or tenant in these situations.
- Allows these animals to be taken without a permit if the animal is causing or threatening to cause damage to property or posing health or safety threat to persons or domestic animals. Taking the wild animal while it is damaging property is difficult, and some animals need to be removed for health or safety reasons. This language is also consistent with the administrative code in [312 IAC 9-10-4](#) that allows wild animals to be taken under a nuisance wild animal control permit. This will reduce some administrative costs for DNR by eliminating the time and paperwork necessary for DNR to issue a nuisance wild animal control permit to take one of these animals in situations where the animal is not causing damage.
- Requires individuals who take a wild animal under this section to use legal methods (including legal foothold traps and snares) when taking these animals. Certain traps are not legal to use for wild animals in order to humanely and effectively trap the animal and help prevent accidental injuries to dogs and cats under [312 IAC 9-3-18](#). The DNR believes that the same prohibitions that apply to those who trap a wild animal during the open season for that animal should also apply to those that trap the animal on their own property outside the season. This does not change any license/permit requirements and will, therefore, not affect expenditures or revenue for the DNR.

[312 IAC 9-3-16](#): Establishes hunting hours for rabbits on DNR fish and wildlife areas, Salamonie Lake, Mississinewa Lake, and Patoka Lake during the month of February (only) from one-half hour before sunrise to one-half hour before sunset. The Division of Fish and Wildlife manages approximately 156,000 acres for wildlife habitat and provides 36,000 upland game hunting efforts annually. Assume that the average upland game hunter can cover 30 acres in one day. That translates to 1.1 million acres of upland game hunting efforts on those 156,000 acres. Given this intense pressure on a limited land area, this would reduce pressures on rabbit populations and their habitat on fish and wildlife areas during late winter, a time that presents the greatest survival challenges for many species. This change is not likely to affect license sales since rabbits can still be hunted during this time, and most individuals don't purchase a hunting license simply to hunt rabbits; therefore, it will not affect expenditures or revenue for DNR.

[312 IAC 9-3-18.6](#): Makes the following changes governing wild pigs:

- Prohibits the use of dogs to chase or take wild pigs; allows only state and federal wildlife management agencies to use dogs. The prohibition on using dogs to take wild pigs would prevent wild pigs from being pushed into new areas when being chased by dogs. This would help prevent their spread into new areas where they can cause additional damage to property.
- Prohibits assisting in the release of a wild pig. Currently, the release of a wild pig is prohibited, but it impacts only the person who actually releases the animal. With this change, Indiana conservation officers would be able to also charge individuals who are helping in the release.
- Clarifies that heritage or heirloom breed pigs that are possessed, bred, and sold strictly for farming or medicinal purposes are exempt from restrictions on the possession, importation, and sale of wild pigs. Heritage or heirloom breed pigs that are of Eurasian origin and used only for food, exhibition, or medicinal purposes meet the Indiana Administrative Code's definition of wild pig due to their skeletal characteristics, which was not the rule's intent. These exemptions are needed to allow for the sale of their meat, for example, to restaurants, and importation of them to Indiana to be bred and sold for their meat.

Wild pigs (hogs) are not a native species and cause significant damage to farm fields and other property. The DNR is working to eliminate these wild pigs from Indiana and is hoping these changes will help eliminate these pigs where they are currently found and prevent their expansion into new areas. These changes will not likely affect license sales; therefore, it will not affect expenditures or revenue for DNR.

312 IAC 9-4-8: Makes the following changes governing the hunting of ring-necked pheasants:

- Prohibits pheasant hunters in designated pheasant put-and-take areas on DNR properties from harvesting game animals except pheasants on days when pheasants are released and hunted; this restriction will be only for these pheasant hunters and only in their designated units. Restricting put/take pheasant hunters from harvesting other animals will protect upland game during a week-long period of intense hunting pressure. This will not likely affect license sales since they can still harvest two pheasants.
- Limits birds to cocks only in put-and-take areas on Pigeon River, Willow Slough, and Winamac fish and wildlife areas. Willow Slough, Winamac, and Pigeon River fish and wildlife areas have resident wild pheasants. The harvesting of only cock pheasants would protect hen pheasants and promote a better condition for natural reproduction on these areas. Beginning in 2015, only cock pheasants will be released on these FWAs during the put-and-take hunts.
- Removes Crosley Fish and Wildlife Area from properties that offer put-and-take pheasant hunts. Crosley FWA has not been participating in put-and-take pheasant hunting in recent years.

These changes are not likely to affect license sales; therefore, they will not affect expenditures or revenue for DNR.

312 IAC 9-4-9: Changes the daily bag limit for bobwhite quail on fish and wildlife areas, Salamonie Lake, Mississinewa Lake, and Patoka Lake to two in the north zone and four in the south zone. The DNR manages approximately 156,000 acres for wildlife habitat and provides 36,000 upland game hunting efforts annually. Assume that the average upland game hunter can cover 30 acres in one day. That translates to 1.1 million acres of upland game hunting efforts on those 156,000 acres. By reducing the daily bag limit on these managed lands, protection would be provided to a wildlife population under extreme hunting pressure on a fixed land area as described above. This also would distribute the harvest among hunters on these properties so that many hunters harvest a few birds instead of a few hunters harvesting many birds. Bobwhite quail populations are struggling in many areas around the state, and the DNR is required by state law to provide for the protection, reproduction, care, management, survival, and regulation of wild animal populations, regardless of whether the wild animals are present on public or private property in Indiana. By not making these changes, quail populations could decline on these properties and affect future hunting opportunities.

312 IAC 9-4-10: Closes the ruffed grouse season statewide. The ruffed grouse population is projected to drop below "viable population levels" within the next couple of years in portions of its existing range in south central Indiana. Annual roadside surveys continue to find little or no presence of ruffed grouse in many stops along control routes. No drumming male ruffed grouse were heard on the 14 roadside survey routes (15 stops/routes) during the 2013 survey period and only one grouse has been heard on these routes in four years. The five-year (2009-2013) mean drumming index for the control routes was less than 0.01 drummers per stop (about one drummer heard every 190 stops), which is less than one percent of levels recorded during the peak years of 1979-1981. For the eighth consecutive year, no drumming activity centers were located on the Maumee Grouse Study Area where population monitoring began in the early 1960s. Advancement of forest succession (maturity) is a major reason for decline of the ruffed grouse. Prospects for a population recovery are dismal and extirpation seems possible if the season is not closed. This change is not likely to have an effect on license sales because there are so few grouse in the state already, and few individuals hunt grouse exclusively. A small game hunting license allows an individual to hunt grouse, quail, pheasants, doves, waterfowl, squirrels, rabbits, and furbearers; therefore, it is unlikely that license sales will decline due to this rule change. It is possible that there would not be grouse left to hunt if this change is not made, and the DNR is required by law to manage, conserve, and protect wild animal populations for present and future generations.

312 IAC 9-4-11: Makes the following changes governing the hunting of wild turkeys:

- Makes the firearm portion of fall turkey season up north (DeKalb, LaGrange, LaPorte, Marshall, St. Joseph, Starke, and Steuben counties) the same length as southern counties. The fall archery/firearms season currently is seven days shorter in northern counties than southern counties. This would make the two consistent. Participation in fall turkey season is relatively low. The number of additional birds taken during the seven extra days (which adds one weekend) would allow additional hunter opportunity without negatively impacting the turkey population. With a conservative bag limit of one bird of either sex, fall turkey hunting in Indiana has not approached the theoretical maximum allowable harvest level. There is expected to be a small increase (10%) in fall turkey license sales as a result of these changes, resulting in an increase in revenue in the amount of \$8,560 (277 additional resident licenses at \$25 each, 4 additional nonresident licenses at \$120 each, and 165 additional resident youth licenses at \$7 each). There are not expected to be any additional costs to the DNR as the result of these changes.
- Requires check stations to register wild turkeys on the DNR's electronic harvest reporting system. Changes to the licensing system for hunting and fishing licenses are in the process, and retailers will be able to check in wild turkeys (and deer) for hunters through a system similar to the current electronic licensing system. This will eliminate the need for the DNR to have check station materials printed and distributed and save time entering information from handwritten log sheets to a database. The cost for changes to the licensing system to add in the ability for retailers to check in deer and wild turkeys is approximately \$1,000 (5 hours x

\$200/hr.), and this will be a one-time cost (covers both deer and wild turkeys). The cost for check station materials, tags, and shipping costs for check station log sheets is approximately \$21,400/year for both deer ([312 IAC 9-3-2](#)) and wild turkey check stations. Therefore, this will result in a cost savings of \$20,400 for the DNR each year.

- Requires hunter orange for fall turkey hunting when it coincides with the locations and dates of the special deer antlerless season (December 26 through the first Sunday in January). This would be consistent with current rule language that requires fall turkey hunters to wear hunter orange during times that coincide with deer hunters being able to hunt with a firearm and helps ensure the safety of wild turkey hunters while in the field during this time.

[312 IAC 9-5-6](#): Makes the following changes governing the taking of game turtles and game frogs:

- Game turtles (Eastern snapping turtle, spiny softshell turtle, and smooth softshell turtle): Establishes a season (July-March), changes the daily bag limit to four per species (possession limit of eight per species), and restricts the size that can be taken to only those with a carapace length over 12 inches. Turtle populations are under pressure worldwide, with 41 percent of recognized species currently threatened with extinction and at least eight species extirpated, according to the International Union of Conservation Nature and Natural Resources Red List. Habitat destruction and capture for the pet and food trades remain the top reasons for this continuing decline. Road mortality and high populations of native predators (such as raccoons) also increase pressure on turtle populations. International trade data demonstrate that, as Asian turtle species disappear from overharvest, American species such as these are being increasingly exported to fill the demands of Asian markets. Mounting evidence indicates long-lived organisms like turtles cannot sustain continuous harvest of reproductive females without population declines. Given these factors, the current season, bag limit, and possession limit for Eastern snapping turtles and softshell turtles in Indiana are believed to be unsustainable and will result in population declines. This change is not likely to affect the sale of hunting or fishing licenses. Either a hunting or fishing license can be used to take these turtles from the wild, and a fishing license is not required in private ponds. Furthermore, the commercial use (sale) of these species is already prohibited in [312 IAC 9-5-7](#). The DNR believes that very few, if any, individuals purchase licenses just to harvest turtles, and there will be no new expenditures for the DNR.

- Game frogs (bullfrogs and green frogs): Allows the use of an air rifle to take game frogs, with a definition of legal air rifles that could be used. Air rifles are becoming more common and can be an efficient means of taking game frogs. A .22 loaded with bird shot is already legal to use to take these species. This change is also not likely to affect license sales since it only adds one method that can be used to take game frogs, and it does not create any additional expenditure for the DNR.

[312 IAC 9-5-7](#): Clarifies that the first generation hybrids of native reptiles and amphibians are included in the prohibition governing the sale of native species. This change is simply a clarification and is not likely to affect revenue or expenditures for the DNR.

[312 IAC 9-6-1](#): Adds the following definitions governing fishing: artificial lure, bait, fly, hook, minnow, pole and line, stone moroko, sunfish, wels catfish, and zander. Most of these definitions are needed to clarify terms. The definition of "minnow" is required since the state law ([IC 14-8-2-167](#)) changed in 2013 to require a definition in administrative rules; a temporary rule is currently in place, but a permanent rule is needed. The species of fish included in the definition of "minnow" are common species captured and used as bait. These changes only add definitions and will not affect expenditures or revenue for the DNR.

[312 IAC 9-6-7](#): Makes the following changes governing exotic fish:

- Adds the following to the list of species that are illegal to possess: stone moroko, zander, and wels catfish. These three species have undergone rigorous screening by the U.S. Fish and Wildlife Service. All show a history of invasiveness throughout the world and a climate match with Indiana. This means they would likely survive in Indiana if allowed to be introduced. The DNR is not aware of anyone that currently has these species or intends to import them into Indiana.

- Requires exotic fish that are possessed to either have their head removed, be eviscerated, or have gill arches removed from one side to ensure they are not capable of living (since live possession is not allowed). The current rule says exotic fish cannot be possessed alive; however, there is no clear enforceable definition that declares a fish dead. Some species, particularly Asian carp, are caught live and moved around while on ice. Iced Asian carp have been known to "come back to life" after being put in the water. The rule lists a choice of options that could be taken to ensure fish like these are not able to survive. Again, these changes are simply a clarification and will not affect expenditures or revenue for the DNR.

[312 IAC 9-7-1](#): Clarifies the bodies of water where a fishing license is required, to be consistent with state law in [IC 14-22-11-8](#). These are not new requirements.

[312 IAC 9-7-2](#): Makes the following changes governing sport fishing methods, except on the Ohio River:

- Allows three hooks to be used on a sport fishing line instead of two. Clarifies that umbrella (Alabama) rigs and other similar devices can be used with no more than three hooks that have live bait or three artificial lures, or a combination of both. This is currently authorized by temporary rule, and a permanent rule is needed. These changes clearly allow the use of umbrella rigs and similar devices and limit the number of

hooks or artificial lures allowed on each device, while also increasing the number of hooks from two to three on all sport fishing lines.

- Allows anglers to place their Indiana DNR-issued customer ID number or the name and address of the user on trot lines, limb lines, free float lines, and tip-ups, as well as ice fishing shelters. This ID number is pretty short and would add a degree of privacy to anglers without interfering with law enforcement validation of the users.
- Establishes a restriction on hooks used when fishing near Williams Dam (from the dam to the Huron and Williams Road bridge in Lawrence County) from March 15 through April 20. This would protect spawning, endangered lake sturgeon from angler pressure by restricting the hook size to one that lake sturgeon can break free from if hooked. This regulation would only be required for a five-week period in early spring, which is when spawning lake sturgeon are present below Williams Dam.

These changes will not affect expenditures or revenue for the DNR since the sale of fishing licenses will not be affected as the result of these changes. The number of hooks allowed on a sport fishing license is being increased to three instead of two, and Alabama and other umbrella rigs will still be able to be used with three hooks.

312 IAC 9-7-4: Changes the minimum size limit from 36 inches to 44 inches for muskellunge and tiger muskellunge on Lake Webster, Backwater Lake, and Kiser Lake (all in Kosciusko County). Lake Webster, along with its interconnected waters (known as Backwater Lake and Kiser Lake), is Indiana's broodstock source for capturing adult muskellunge and procuring eggs to support the DNR's statewide muskie stocking program. Although the catch rate of adult muskies captured each spring during egg-taking has not declined, some evidence suggests fewer young muskies are surviving due to a variety of possible factors. Muskie fishing in Indiana depends entirely on stocking. Increasing the minimum size limit to 44 inches could help alleviate the effects of a potential decline in muskie recruitment. There is not expected to be any effect on expenditures or revenue for the DNR as the result of these changes, and by maintaining muskellunge populations on these lakes, anglers will continue to fish at these locations for these species and have "trophy" muskies to fish for.

312 IAC 9-7-6: Makes the following changes governing black bass:

- Changes the size limit to the statewide 14-inch minimum size limit on Dogwood Lake in Daviess County. (It is currently a 15-inch limit at this lake.) This would align Dogwood Lake with statewide bass regulations. Dogwood is one of only two lakes where the bass population is managed with a 15-inch minimum size limit. This was originally done to protect 14- to 15-inch bass when the 12- to 15-inch slot limit was successfully lifted in 1998. There is no longer a management need to protect bass in the 14- to 15-inch size range.
- Allows only two largemouth bass to be taken per day on Kunkel Lake in Wells County, and they must be at least 18 inches long. Kunkel Lake is a 25-acre impoundment in Ouabache State Park near Bluffton (Wells County). It was drained in 2013 to remove an undesirable population of small bluegill, black and white crappie, and carp. The fishery had deteriorated in part due to insufficient numbers and sizes of largemouth bass, the lake's primary predator. Failure to maintain predatory control over carp, an abundant population of rusty crayfish, and excessive bluegill and crappie recruitment led to declines in habitat quality (turbid water) and low angler use. The lake is scheduled to be restocked in early 2014 with bluegill, largemouth bass, redear sunfish, and channel catfish to restore balance. Unless action is taken to provide a strong measure of long-term protection of largemouth bass from harvest, predatory control will again be lost and the lake likely would revert to its previous condition.

There is not expected to be any effect on expenditures or revenue for the DNR as the result of these changes since they are not expected to affect the sale of fishing licenses.

312 IAC 9-7-9: Adds a 9-inch minimum size requirement to harvest crappie at Dogwood Lake in Daviess County and Hardy Lake in Scott County. Research indicates that a 9-inch minimum length limit on crappie at Hardy and Dogwood lakes should improve crappie fishing and make these standout lakes in Indiana. These changes should be good advertisements for fishing at Glendale Fish and Wildlife Area's Dogwood Lake and at the Hardy Lake state property, since they may attract anglers from across the state to fish for crappie at these lakes. There is not an entrance fee at Dogwood Lake, but a few more (not significant) fishing licenses may be sold, as well as fishing supplies (poles, line, baits, etc.).

312 IAC 9-7-10: Establishes a statewide daily bag limit of 25 (in aggregate) for all species of sunfish (*Lepomis* spp. – which includes bluegill, redear, warmouth, pumpkinseed, green sunfish, and others). The bluegill is Indiana's foremost sport fish and draws the interest of anglers from widely varying demographics. Sunfish (such as bluegill and redear) account for approximately 63% of Indiana angler days annually within the state. In recent years, technology has greatly increased fish-catching efficiency with fish finders, flashers, underwater cameras, and GPS. Furthermore, rapid exchange of information through social media, message boards on the Internet, and other venues can result in intense levels of harvest, especially during the ice fishing season or when fish are spawning. Having a bag limit in place at times when fish are highly vulnerable can moderate the long-term impacts on the population and maintain long-term fishing quality. The DNR is required by state law to provide for the protection, reproduction, care, management, survival, and regulation of wild animal populations, regardless of whether the wild animals are present on public or private property in Indiana, and the DNR believes this change is

necessary to protect populations of these species. There is not expected to be an effect on the sale of fishing licenses as the result of this change. Individuals can still harvest 25 per day, and if they fillet out (process) the fish and put them in their freezer in their permanent residence (in accordance with [312 IAC 9-2-8](#)), they can catch 25 more the next day.

[312 IAC 9-7-12](#): Makes the following changes governing walleye/sauger/saugeye:

- Establishes a 16-inch minimum size limit for walleye north of State Road 26 on all public waters (lakes, impoundments, rivers, and Lake Michigan) with the exception of these lakes: Lake George (Steuben County), Bass Lake (Starke County), Simonton Lake (Elkhart County), Wolf Lake (Lake County), and Wall Lake (Steuben County). Indiana's walleye fishing depends on hatchery stockings. Walleye abundance in northern Indiana has increased over the years with the help of larger (and more expensive) hatchery fingerlings. Anglers tend to get more out of these stockings if the fish are allowed to grow larger before they are taken home. Walleye recruitment in naturally reproducing populations can be very erratic, influenced by predation (including cannibalism from adult walleyes), weather, forage size and abundance, water quality, and harvest. The factors also influence the survival of stocked walleye. The region of Indiana north of State Road 26 contains all the sites where the larger fingerling walleye are currently being stocked. SR 26 runs in a relatively straight line from Illinois to Ohio, and offers a reasonable dividing line. Exceptions to a 16-inch minimum size limit would include lakes with documented slow growth of walleye or other special regulatory needs. The rest of Indiana's public waters (except the Ohio River) would remain regulated by a 14-inch walleye size limit.
- Eliminates the minimum size limit for saugeye on all waters statewide, except for Huntingburg Lake (Dubois County) and Sullivan Lake (Sullivan County). Hybrid walleye (saugeye) are a walleye-sauger cross. They are hatchery produced and stocked at two southern Indiana lakes where they perform better than either parent. Like walleye, saugeye are regulated with a 14-inch size limit. While walleye and saugeye are easily distinguished from one another, saugeye (14-inch limit) and sauger (no size limit) look much alike, especially when small. Further, saugeye can be produced in the wild when walleye and sauger naturally crossbreed. Therefore, it is suggested to regulate saugeye like sauger – with no size limit – except at the two lakes where they are being stocked and managed (Sullivan and Huntingburg lakes).

No significant changes in the sale of fishing licenses are expected as the result of these changes. The quality of walleye fishing is expected as the result of these changes, which may attract more anglers to these bodies of water to fish for walleye, but it should not cause much, if any, increase in the sale of fishing licenses since licenses are not usually purchased just to fish for this species.

[312 IAC 9-7-14](#): Removes bluegill from the list of species with no bag limit, possession limit, or size limit. The limit on sunfish at J.C. Murphey Lake at Willow Slough Fish and Wildlife Area is also being eliminated since a new bag limit for all sunfish is being proposed in [312 IAC 9-7-10](#).

[312 IAC 9-8-4](#) and [312 IAC 9-8-5](#): Prohibits the use of wings or leads on a commercial fishing device within the Wabash River and other inland waters (does not include the Ohio River). Roe-harvesting commercial fishermen who target shovelnose sturgeon are the only fishermen using wings/leads. Some are not using them for the intended purpose. Wings/leads are typically used on trap-nets in areas with little to no current in order to guide fish into the "trap" portion of the net. Some commercial fishermen on the Wabash are using wings/leads as gill nets to entangle fish, and gill nets are currently not permitted. Shovelnose sturgeon are extremely susceptible to becoming entangled in these devices. A recent operation by Indiana conservation officers found that nearly all shovelnose sturgeon captured by hoop nets with wings/leads were entangled in the wing/lead and not caught in the trap portion of the net. Entanglement gear causes significantly more stress and mortality of captured fish. Very few individuals harvested sturgeon under a commercial fishing license in recent years, and they can still use nets and seines that meet the requirements in these rules and catch sturgeon. Illinois is also making the same change for commercial fishermen on the boundary waters of the Wabash River. Therefore, the DNR does not believe that the sale of commercial fishing licenses will be affected since it will not matter which state they purchase a license from and only a few harvest sturgeon.

The number of individuals who are directly affected by these changes is expected to be as follows (includes annual license buyers and lifetime license holders):

- approximately 4,500 deer hunters who hunt in deer reduction zones
- approximately 9,332 fall turkey hunters
- approximately 500,000 anglers who fish for sunfish, walleye, muskellunge, black bass, and/or crappie
- approximately one commercial fishing license holder that harvests shovelnose sturgeon on the Wabash River

The number of license holders was obtained from the DNR Division of Fish and Wildlife's databases of license holders.

The benefits and costs of the proposed changes were obtained from staff of the DNR Division of Fish and Wildlife.

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Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

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